IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 13493 of 2004

Between:

K.Bheem Rao, S/o K.S.K.Murthy, R/o H.No.5-4-26, Distellery Road, Secunderabad

..... PETITIONER

AND

1 The Assistant Commissioner of Endowments, Secunderabad
2 Sri K.Rama Rao, S/o K.S.K.Murthy,
R/o H.No.5-4-25, Distellary Road, Secunderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly a Writ in the nature of Writ of Mandamus declaring the action of the 1st respondent in fixing the rotation of Founder Trustees to the subject temple Sri Venkateswara (Balaji) Temple, Secunderabad passed in Proc.No.B/2358/2002 & B/2359/2002, dated 23-06-2004 as bad, illegal, arbitrary and oppose to law and pass such other order or orders as the Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.M.VIDYASAGAR

Counsel for the Respondent No.1: GP FOR ENDOWMENTS

Counsel for the Respondent No.2: ----

The Court made the following:

ORDER:

Heard both sides.

This writ petition is filed challenging the order dated 23.06.2004, passed by the Assistant Commissioner of Endowments, Secunderabad, the first respondent herein, whereunder the petitioner and the second respondent were recognized as members of the founder's family in the order of seriatim as mentioned thereunder having two years term each from the date of entering into office.

The learned counsel for the petitioner submits that the petitioner has no grievance about the order passed by the first respondent recognizing him and the second respondent as members of the founder's family, but the only grievance is with regard to the rotation as fixed by the first respondent among the petitioner and the 2nd respondent.

Admittedly, the order impugned is appealable under Section 87 (h) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987. Hence, without exhausting the alternative remedy available under the Statute, the petitioner cannot maintain this writ petition.

Accordingly, granting leave and liberty to the petitioner to work out the alternative remedy available under the Statute, the writ petition is disposed of. It is made clear that it is open to the petitioner to urge in the Appeal all the grounds available under law including the objection with regard to the rotation as fixed by the first respondent in the order impugned. No costs.

18.08.2004

VGB

To

1 The Assistant Commissioner of Endowments, Secunderabad
2 2CCs to the Government Pleader for Endowments, High Court Buildings, Hyderabad (OUT)

3 2CD copies